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## REMARKS

### I. *Claim Rejections – 35 U.S.C. §103*

Claims 1, 2, 5, 7, 8, 10-22, 24-26, 28-30, 32-35, 37-49, 51-53 and 55 are rejected under 35 U.S.C. §103(a) as being unpatentable over Smith et al. (US 5,456,692) in view of Nappholz et al. (US 5,720,770) in further view of Cox et al. (US 5,383,912). Claim 6 is apparently also rejected on the same basis. See office action at page 5.

Claims 3, 4, and 31 are rejected as being unpatentable over Smith in view of Nappholz et al. in further view of Bernard (5,497,339).

Claims 9 and 36 are rejected as being unpatentable over Smith in view of Nappholz et al. in further view of deCoriolis (US 5,342,408).

Claims 23 and 50 are rejected as being unpatentable over Smith in view of Nappholz et al. in further view of Kalman (US3,972,320).

Claims 27 and 54 are rejected as being unpatentable over Smith in view of Nappholz et al. in further view of Kroll (US 5,258,906).

Applicants respectfully assert that the amendments to independent claims 1 and 29 patentably distinguish the presently claimed invention from the cited and applied prior art. That is, none of the art includes at least the following limitation of claim 1:

a universal communication module comprising means for at least one of updating and reprogramming at least portions of the software loaded in the IMD, the communication module being configured to operate in

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conjunction with a plurality of different implantable medical devices and being selectively programmable to communicate with, receive data from, and download data to any of various implantable medical devices.

Further, none of the art includes at least the following limitation of claim 29:

at least one of a mobile telephone and a PDA, the at least one of the mobile telephone and the PDA further comprising means for at least one of updating and reprogramming at least portions of the software loaded in the IMD, the at least one of the mobile telephone and the PDA being capable of simultaneously receiving information from and relaying information to the IMD, wherein the updating and programming means is a universal device configured to operate in conjunction with a plurality of different implantable medical devices and comprises means for at least one of being selectively programmable to communicate with, receive data from, and download data to any of various implantable medical devices.

Since claims 2-28 and 30-55 depend either directly or indirectly from one of the independent claims, they too are patentably distinct from the cited and applied art.

The amendments to the claims specify a universal communications device for updating and reprogramming at least portions of the software loaded in an IMD, which is selectively programmable to communicate with, receive data from, and download data to any of various implantable medical devices. The repeater/programmer/phone 14 in Nappholz is nowhere indicated or suggested to be a selectively programmable device providing universal operation to communicate with, receive data from, and download data to any of various implantable medical devices. Similarly, the programmer 46 in Smith is nowhere

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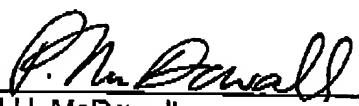
indicated or suggested to be a selectively programmable device providing universal operation to communicate with, receive data from, and download data to any of various implantable medical devices.

## II. CONCLUSION

Applicants respectfully submit that all presently pending claims in this application are in condition for allowance. Applicants further respectfully request that a notice of allowance be issued in due course.

Respectfully submitted,

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